

IN RE: APPEAL OF THREE MARAUDERS	:	BEFORE THE ZONING HEARING
INVESTMENTS, LLC, BY GERALD A.	:	BOARD OF THE CITY OF READING,
MENAUQUALE, JR., RELATIVE TO A	:	PENNSYLVANIA
PROPERTY LOCATED AT 450 SOUTH	:	
FIFTH STREET, CITY OF READING, BERKS	:	APPEAL NO. 2019-05
COUNTY, PENNSYLVANIA	:	
	:	VARIANCE, INTERPRETATION
	:	AND/OR SPECIAL EXCEPTION

**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 8th day of May, 2019, a hearing having been held on April 10, 2019, upon the application of Three Marauders Investments, LLC, by Gerald A. Menaquale, Jr., notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the "Zoning Board") renders the following decision:

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. The Applicant is Three Marauders Investments, LLC, a Pennsylvania Limited Liability Company, with a principal mailing address of 41 East Orange Street, Lancaster, Pennsylvania 17602 (hereinafter referred to as the "Applicant").
2. Applicant's testimony was submitted by Gerald A. Menaquale, Jr., a member of Three Marauders Investments, LLC.
3. Applicant is the fee simple owner of property located at 450 South Fifth Street, City of Reading, Berks County, Pennsylvania 19602 (hereinafter referred to as the "Subject Property").
4. The Subject Property is located in the R-3 Residential Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the "Zoning Ordinance").
5. Applicant requests a special exception to expand a nonconforming structure and use along with dimensional variances at the Subject Property.

6. Specifically, Applicant seeks relief under Sections 600-406.D. and E., 600-804, 600-1603, 600-1201, and 600-909 of the Zoning Ordinance and all associated variances, special exceptions and interpretations.

7. The Subject Property is currently used for clinical counseling.

8. Applicant is proposing to expand the building in order to treat separate groups of patients at the same time.

9. Applicant testified there will be no increase in the number of patients treated.

10. Applicant testified there will be no impact on the neighborhood with respect to parking or traffic.

11. The Board finds the proposed relief will not be a detriment to the health, safety and welfare of the neighborhood.

12. There were no objections.

DISCUSSION

Applicant seeks a special exception to expand a nonconforming use and a dimensional variance with respect to off-street parking spaces. The proposed use is in keeping with the spirit and intent of the Ordinance. Applicant's proposed use will not be a detriment to the health, safety and welfare of the neighborhood.

CONCLUSIONS OF LAW

1. Applicant is Three Marauders Investment, LLC.

2. The Subject Property is located at 450 South Fifth Street, City of Reading, Berks County, Pennsylvania 19602.

3. The Subject Property is located in the R-3 Residential Zoning District.

4. Applicant seeks a special exception to expand a nonconforming use and a dimensional variance with respect to off-street parking spaces.

5. The Zoning Board is permitted to grant applications for variances and/or special exceptions and to interpret the Zoning Ordinance.

6. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:

- a. Applicant is granted a special exception to increase the nonconforming building.
- b. Applicant is granted a dimensional variance for off-street parking spaces – twenty-eight (28) existing spaces which is five (5) less than required by the building's square footage.
- c. Applicant shall apply for all required building, trades and fire permits and submit to all inspections deemed necessary.
- d. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.
- e. Applicant must comply with the Zoning Administrator's requirements for buffering and tree removal.
- f. Applicant may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.
- g. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

The decision of this Board is by a vote of 4 to 0.

ZONING HEARING BOARD OF THE CITY OF
READING



PHILIP RABENA, CHAIRMAN



THOMAS FOX



JEFFEREY GATTONE



WILLIAM HARST

JARED BARCZ